

1 BRIAN W. BOSCHKEE, ESQ. (NBN 07612)
Email: bboschkee@nevadafirm.com
2 JAMES D. BOYLE, ESQ. (NBN 08384)
Email: jboyle@nevadafirm.com
3 JOANNA M. MYERS, ESQ. (NBN 12048)
Email: jmyers@nevadafirm.com
4 HOLLEY DRIGGS WALCH
FINE WRAY PUZEY & THOMPSON
5 400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
6 Telephone: 702/791-0308
Facsimile: 702/791-1912
7

HARRY W. LIPMAN, ESQ. (PHV forthcoming)
8 hlipman@rlrpclaw.com
RICHARD E. ROSBERGER, ESQ. (PHV forthcoming)
9 Email: rrosberger@rlrpclaw.com
ROTTENBERG LIPMAN RICH, P.C.
10 230 Park Avenue, 18th Floor
New York, New York 10169
11 Telephone: 212/661-3080
Facsimile: 212/867-1914
12

Attorneys for Plaintiffs

13
14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 ZITAN TECHNOLOGIES, LLC, a Nevada
limited liability company; and GINKGO LLC, a
Nevada limited liability company,

17 Plaintiffs,

18 v.

19 LIANG YU, an individual,

20 Defendant.

CASE NO.: 3:18-cv-00395-RCJ-WGC

**PLAINTIFFS' UNOPPOSED MOTION
TO EXCEED PAGE LIMITS**

21 Pursuant to LR II 7-3(c), Plaintiffs Zitan Technologies LLC ("Zitan") and Ginkgo LLC
22 ("Ginkgo") (collectively, "Plaintiffs"), by and through their undersigned attorneys, hereby
23 respectfully submit this Motion to Exceed Page Limits with regard to *Plaintiffs' Reply to*
24 *Defendant's Opposition to Plaintiffs' Motion for Temporary Restraining Order and Preliminary*
25 *Injunction* (the "Reply"), and hereby request that this Court enter an order granting Plaintiffs'
26 leave to file four (4) pages in excess of the twelve (12) page limit for replies as set forth in LR II
27 7-3(b). Counsel for Defendant Liang Yu ("Mr. Yu") does not object to Plaintiffs' request to
28

1 exceed the page limit. *See* Declaration of James D. Boyle Esq. In Support of Plaintiffs' Motion
2 to Exceed Page Limitation attached hereto as Exhibit A ("Boyle Decl.").

3 Good cause exists to extend the page limitation set forth in LR II 7-3(b) because: (1) the
4 factual background pertinent to Plaintiff's Motion for Temporary Restraining Order and
5 Preliminary Injunction (ECF Nos. 14 and 15 (the "Motion")) involves complex claims of
6 misappropriation of trade secrets under the federal Defense of Trade Secrets Act and Nevada's
7 Uniform Trade Secrets Act, and breach of contract. Boyle Decl., at ¶ 2(a). Each of these claims
8 raises extensive factual and legal issues, which must be analyzed through the requirements for
9 obtaining injunctive relief under statutory provisions and case law precedent, all of which
10 Plaintiffs are compelled to address in detail. Boyle Decl., at ¶ 2(b). In his opposition brief, Mr.
11 Yu raises numerous factual and legal issues which were not addressed in the underlying motion,
12 all of which Plaintiffs must address and refute. Boyle Decl., at ¶ 2(c). Thus, including
13 introductory and conclusion language, as well as the caption and signature block, Plaintiffs'
14 Reply includes four (4) pages in addition to the permissible twelve (12) pages allowed by LR II
15 7-3(b), for a total of sixteen (16) pages. Boyle Decl., at ¶ 2(d).

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 Accordingly, the Plaintiffs respectfully request that this Court extend the permissible
2 page limit for the Reply to up to sixteen (16) pages.

3 DATED this 17th day of September, 2018.

4 **HOLLEY DRIGGS WALCH**
5 **FINE WRAY PUZEY & THOMPSON**

6 */s/ James D. Boyle*

7 BRIAN W. BOSCHKE, ESQ. (NBN 07612)
8 JAMES D. BOYLE, ESQ. (NBN 08384)
9 JOANNA M. MYERS, ESQ. (NBN 12048)
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101

10 **ROTTENBERG LIPMAN RICH, P.C.**

11 HARRY W. LIPMAN, ESQ.
12 RICHARD E. ROSBERGER, ESQ.
230 Park Avenue, 18th Floor
New York, New York 10169

13 *Attorneys for Plaintiffs*

14
15 **IT IS SO ORDERED:**

16 
17 _____
18 UNITED STATES DISTRICT JUDGE/
UNITED STATES MAGISTRATE JUDGE

19 Dated: September 25, 2018

1 **CERTIFICATE OF SERVICE**

2 Pursuant to FRCP 5(b), I certify that on the 17th day of September, 2018, I caused the
3 document entitled **PLAINTIFFS' UNOPPOSED MOTION TO EXCEED PAGE LIMITS**, to
4 be served as follows:

5

Attorneys of Record	Parties Represented	Method of Service
6 Leigh Goddard, Esq. 7 Laura Jacobsen, Esq. 8 McDONALD CARANO LLP 100 West Liberty Street, 10 th Floor Reno, Nevada 89501	Defendant Liang Yu	<input type="checkbox"/> Personal Service <input checked="" type="checkbox"/> Email/E-File <input type="checkbox"/> Fax Service <input type="checkbox"/> Mail Service
9 Edwin K. Prather, Esq. 10 Sybil L. Renick, Esq. 11 PRATHER LAW OFFICES 245 Fifth Street, Suite 103 San Francisco, California 94103	Attorneys for Defendant Liang Yu	<input type="checkbox"/> Personal Service <input checked="" type="checkbox"/> Email/E-File <input type="checkbox"/> Fax Service <input checked="" type="checkbox"/> Mail Service

12

13
14 Kate Andrews

15 An employee of Holley Driggs Walch
16 Fine Wray Puzey & Thompson
17
18
19
20
21
22
23
24
25
26
27
28

INTENTIONALLY LEFT BLANK
EXHIBIT PAGE ONLY

EXHIBIT A

1 BRIAN W. BOSCHKEE, ESQ. (NBN 07612)
Email: bboschkee@nevadafirm.com
2 JAMES D. BOYLE, ESQ. (NBN 08384)
Email: jboyle@nevadafirm.com
3 JOANNA M. MYERS, ESQ. (NBN 12048)
Email: jmyers@nevadafirm.com
4 HOLLEY DRIGGS WALCH
FINE WRAY PUZEY & THOMPSON
5 400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
6 Telephone: 702/791-0308
Facsimile: 702/791-1912

7 HARRY W. LIPMAN, ESQ. (PHV forthcoming)
hlipman@rlrpclaw.com
8 RICHARD E. ROSBERGER, ESQ. (PHV forthcoming)
Email: rrosberger@rlrpclaw.com
9 ROTTENBERG LIPMAN RICH, P.C.
10 230 Park Avenue, 18th Floor
New York, New York 10169
11 Telephone: 212/661-3080
Facsimile: 212/867-1914

12 *Attorneys for Plaintiffs*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 ZITAN TECHNOLOGIES, LLC, a Nevada
16 limited liability company; and GINKGO LLC, a
Nevada limited liability company,

17 Plaintiffs,

18 v.

19 LIANG YU, an individual,

20 Defendant.

CASE NO.: 3:18-cv-00395-RJC-WGC

**DECLARATION OF JAMES D.
BOYLE ESQ. IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION
TO EXCEED PAGE LIMITATION**

21 I, James D. Boyle, Esq., hereby state and declare as follows:

22 1. I am a shareholder with Holley Driggs Walch Fine Wray Puzey & Thompson,
23 and am one of the attorneys representing Plaintiffs Zitan Technologies, LLC and Ginkgo LLC
24 (collectively, "Plaintiffs") in this matter. I make this declaration in support of Plaintiffs'
25 Motion to Exceed Page Limitations, wherein Plaintiffs request this Court's leave to exceed the
26 twelve (12) page limit set forth in LR II 7-3(b), with regard to Plaintiffs' Reply In Support of
27 Motion for Temporary Restraining Order and Preliminary Injunction (the "Reply Brief").
28

1 2. Good cause exists to exceed the page limit with regard to the Reply Brief for
2 the following reasons:

3 a. Plaintiffs' Motion for Temporary Restraining Order and Preliminary
4 Injunction (ECF Nos. 14 and 15 (the "Motion")) involves an evaluation of complex claims
5 regarding misappropriation of trade secrets under the federal Defense of Trade Secrets Act
6 and Nevada's Uniform Trade Secrets Act, and breach of contract;

7 b. Each of these claims raises extensive factual issues, which must be
8 evaluated through the legal requirements for obtaining injunctive relief under controlling
9 statutory allowances and case law precedent, all of which Plaintiffs are compelled to address
10 in detail.

11 c. Defendant Liang Yu's ("Mr. Yu") Opposition to the Motion addresses
12 multiple factual disputes and legal arguments which were not raised in the Motion. In this
13 regard, Plaintiffs must address and refute the factual disputes and legal arguments raised by
14 Mr. Yu, and provide analysis of these matters through the statutory provisions and case law
15 precedent for obtaining injunctive relief.

16 d. Including introduction and conclusion language, and the caption and
17 signature block, Plaintiffs' Reply Brief is sixteen (16) pages in length and exceeds the
18 allowable page limitation by four (4) pages. Plaintiffs respectfully suggest that the additional
19 four pages of the Reply Brief are necessary and valuable to the Court's ultimate analysis of
20 the Motion and the issues presented therein.

21 3. On September 17, 2018, I received an email from counsel for Mr. Yu stating
22 that Mr. Yu has no objection to Plaintiffs' request to exceed the page limit. *See* Email from L.
23 Goddard dated September 17, 2018 attached hereto as Exhibit A-1.

24 ///

25 ///

26 ///

27 ///

28 ///

1 I hereby declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct.

3 DATED this 17th day of September, 2018, at Las Vegas, Nevada.

4
5 

6 JAMES D. BOYLE, ESQ.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INTENTIONALLY LEFT BLANK
EXHIBIT PAGE ONLY

EXHIBIT 1

Joanna Myers

From: Leigh T. Goddard <lgoddard@mcdonaldcarano.com>
Sent: Monday, September 17, 2018 11:05 AM
To: Joanna Myers; Laura Jacobsen
Cc: Jim Boyle; Brian Boschee; sybil; Edwin Prather
Subject: RE: Zitan/Ginkgo - Motion to Exceed Page Limits

We have no objection to your request to exceed the page limit in reply.

Leigh Goddard | Partner

McDONALD CARANO

P: 775.788.2000 | E: lgoddard@mcdonaldcarano.com

From: Joanna Myers <jmyers@nevadafirm.com>
Sent: Monday, September 17, 2018 10:30 AM
To: Leigh T. Goddard <lgoddard@mcdonaldcarano.com>; Laura Jacobsen <ljacobsen@mcdonaldcarano.com>
Cc: Jim Boyle <jboyle@nevadafirm.com>; Brian Boschee <bboschee@nevadafirm.com>
Subject: Zitan/Ginkgo - Motion to Exceed Page Limits

Good morning Leigh and Laura,

As a follow up to my message with your assistant, I wanted to reach out and let you know we are filing a motion to exceed the page limit for our reply (by 4 pages). Please let us know if we can indicate your consent.

We are reviewing your edits to the Protective Order and should have it back to you shortly.

Kind regards,

Joanna

Joanna Myers
Attorney
Las Vegas Office



Tel: 702.791.0308 | Fax: 702.791.1912
400 S. 4th Street, Suite 300, Las Vegas NV 89101

Tel: 775.851.8700 | Fax: 775.851.7681
800 S. Meadows Parkway, Suite 800, Reno NV 89521

www.nevadafirm.com

This email message (including any attachments): (a) may include privileged, confidential, proprietary and/or other protected information, (b) is sent based upon a reasonable expectation of privacy, and (c) is not intended for transmission to, or receipt by, unauthorized persons. If you are not the intended recipient, please notify the sender immediately by telephone (702.791.0308) or by replying to this message and then delete the message and all copies or portions from your system. Thank you.